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PATENT

12-22-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5470-250

DATE: December 21, 1999

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR 1.53(b))**

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, DC 20231

jc584 U.S. PRO  
09/465429  
12/21/99

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is:

- ☒ a patent application  
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP)  
of prior application no.: ; filed  
☐ A Small Entity Statement(s) was filed in the prior application; Status still proper and desired.

Inventor(s) or Application Identifier:

Richard C. Boucher, Jr., 735 Gingham Road, Chapel Hill, North Carolina 27514

Entitled: COMPOUNDS AND METHODS FOR THE TREATMENT OF AIRWAY DISEASES  
AND FOR THE DELIVERY OF AIRWAY DRUGS

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 19 pages of Specification (including 30 claims)
3. ☐ sheets of Drawings (35 USC 113)
4. ☐ Oath or Declaration
  - a. ☐ newly executed (*original or copy*)
  - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 5 Below]
  - c. ☐ **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Microfiche Computer Program (*Appendix*)
7. ☐ Assignment papers (*cover sheet(s) and document(s)*)
8. ☒ Small Entity Statement(s)
9. ☐ Information Disclosure Statement, PTO-1449, and references cited
10. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
11. ☐ English Translation Document
12. ☐ Certified Copy of Application No. ; Filed


13. ☐ Sequence Listing/ Sequence Listing Diskette  
 a. ☐ computer readable copy  
 b. ☐ paper copy  
 c. ☐ statement in support  
 14. ☐ An Associate Power of Attorney  
 15. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)  
 16. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate      Fee	Large Entity Rate      Fee
BASIC FEE			\$395.00	\$790.00
TOTAL CLAIMS	30 - 20 =	10	x 11 = \$ 110.00	x 22 = \$
INDEP CLAIMS	3 - 3 =	0	x 41 = \$ 0	x 82 = \$
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 135 = \$	+ 270 = \$
If the difference in Col. 1 is less than zero, Enter "0" in Col. 2			Total \$ 505.00	Total \$

- ☐ A check in the amount of \$                      to cover the filing fee is enclosed.  
☐ A check in the amount of \$                      is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).  
☒ Please charge my Deposit Account No. 50-0220 in the amount of \$505.00.  
☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:  
 a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.  
 b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

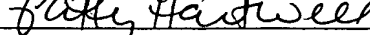
  
 Sorojini J. Biswas  
 Registration No. 39,111

Correspondence Address:  
 USPTO Customer Number: 20792  
 Myers Bigel Sibley & Sajovec, LLP  
 Post Office Box 37428  
 Raleigh, NC 27627  
 Tel (919) 854-1400  
 Fax (919) 854-1401

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EL533385293US  
 Date of Deposit: December 21, 1999

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner For Patents, Washington, DC 20231.

  
 Patty Hartwell  
 Date of Signature: December 21, 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney's Docket No. 5470-250

Applicant or Patentee: Richard C. Boucher, Jr.

Serial No.: To be Assigned

Filed: Concurrently Herewith

Title: COMPOUNDS AND METHODS FOR THE TREATMENT OF AIRWAY  
DISEASES AND FOR THE DELIVERY OF AIRWAY DRUGS

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. § 1.9(f) & 1.27(d))--NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION The University of North Carolina at Chapel Hill  
ADDRESS OF ORGANIZATION 308 Bynum Hall, Campus Box 4105,  
Chapel Hill, North Carolina 27599

TYPE OF NONPROFIT ORGANIZATION:

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE  
(26 U.S.C. 501(a) and 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF  
STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE  
SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) IF LOCATED IN THE  
UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL  
UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office, under Section 41(a) and (b) of Title 35, United States Code, regarding the invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above-identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate verified statements averring to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern, or organization having any rights to the invention is listed below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

☐ Individual ☐ Small Business ☐ Nonprofit Organization

Name: \_\_\_\_\_

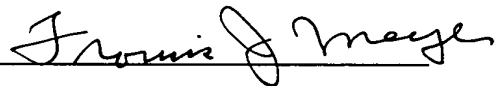
Address: \_\_\_\_\_

☐ Individual ☐ Small Business ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Dr. Francis J. Meyer



TITLE OF PERSON SIGNING: Associate Vice Provost for Technology Development

ADDRESS OF PERSON SIGNING: Office of Technology Development

University of North Carolina at Chapel Hill

308 Bynum Hall, Campus Box 4105

Chapel Hill, NC 27599-4105